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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,947	12/13/2001	Sachin Desai	ORCL-2000-168-01	7392

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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,947

Applicant(s)

DESAI ET AL.

Examiner

Raymond J. Bayerl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 July 2003</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 11 – 18, 20 – 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 6, please note the uncertainty in "The method of Claim 6". In the interest of expediting prosecution, the Examiner has presumed that applicant intended claim 1 as the parent.

In claims 11 – 16, "The apparatus of Claim 9" is unclear, since claim 9 is a "method" claim, and other similar claims in the application do not depend in this manner. The Examiner here has presumed that independent apparatus claim 10 is the parent.

Claims 20 – 27 are unclear in that "The apparatus of Claim 19" is given to indicate the parent claim. Claim 19 is in fact a "computer readable media" claim.

Also, in claims 26, 27, "the matrix" appears without clear antecedent basis in the indicated parent claim 19. The Examiner has finally presumed that the parent claim is claim 25, where "a matrix" first appears.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 27 (as interpreted) are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. ("Weinberg"; US #6,144,962) in view of Cohen et al. ("Cohen"; US #2002/0152237 A1).

As in independent claims 1, 10, 19, Weinberg's VISUALIZATION OF WEB SITES is accomplished by an analysis program (Abstract) that scans a Web site over a network connection and builds a site map which graphically depicts the URLs and links of the site. Thus, as claimed, Weinberg's system involves "accessing a Web page", "determining a set of actions available", "determining a set of the next pages linked to the Web page" and "storing" the site map as acquired. Please note, as in Weinberg's fig 21, that it was known in the art to parse a Web site and retain a record of how it connects (e.g., URLs, Links). This reads reasonably upon the claimed "table data structure" that describes the site.

While Weinberg teach the analysis of a Web site, there is no **explicit** disclosure of the claimed "defining a set of rules that modify the set of actions available to the user or the set of next pages linked to the Web page", which is more of an authoring and adjustment function.

However, Cohen, in PROVIDING CUSTOMIZED WEB PAGES, is disclosed as gathering information from a web site visitor's sessions to represent statistical information about the visitor's sessions on the web site (Abstract). More importantly, [r]ules may be applied to change the web site automatically in a way that reduces or removes an anomaly (paragraph 0007). Central to the web site modification of Cohen is Identity (who is accessing the site). (paragraph 0005).

It would therefore have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify, using "a set of rules", the list of scanned "Web page" linking information as per Weinberg, using the customization taught by Cohen, because this would improve the usefulness of the Weinberg Web site for the given user.

As in claims 2, 11, 20, Cohen's generation of updated rules suggests "altering the user flow...by altering the corresponding set of rules", which would then be reflected in the Weinberg site map description. This also results in "altering the set of actions available" (claims 3, 12, 21) and the "set of next pages linked" (claims 4, 13, 22), as Cohen seeks to produce a more accurate map of how the web site should be presented, this based upon Identity, as noted above (claims 5, 14, 23).

As in claim 6's "managing the user flow of the Web page using a graphical user interface presenting a depiction of the table data structure" (see also claims 15, 24), Weinberg's graphical site map is just such an "interface", and given Cohen's development via rules, will read out the ongoing "data structure" that each user's experience is based upon.

The “matrix” composed of “a plurality of data structures” (claims 7, 16, 25) reads upon the Weinberg representation, when modified as per Cohen, who actually disclose matrices and structures to represent the statistical information. In the case of using a graphical site map as per Weinberg, “altering the matrix of table data structures” (claims 8, 17, 26) pertaining to individual links becomes possible, when the extension to Cohen permits adjustment, as to avoid Cohen's anomalies, this being achieved through Weinberg's “graphical user interface” (claims 9, 18, 27).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The additionally-cited US Patent documents (see attached form PTO-892) relate to applicant's general topic of web site monitoring and customization.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (703) 305-9789 through the month of October 2004 and (571) 272-4045 thereafter. The examiner can normally be reached on M - F from 10:00 AM to 5:00 PM ET.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116 through the month of October 2004 and (571) 272-4048 thereafter. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

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9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

26 October 2004